IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWELFTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 6988 of 2004

Between:

1.Govt.of A.P. rep. by Prl. Secretary to Government , Labour Employment and Training Departmentt
2 Commissioner of Employment and Training BRKR Complex
Tankbund Road, Hyderabad-21

..... PETITIONER(S)

AND

1 N.R. Patalay, Retd. Employment officer
27-514/A/1, Nallakunta, Hyd
2 Mohd. Waheeduddin Retd .Superintendent
ITI,Sanathnagar 13-3-20, Mustaidpura , Hyd
3 Syed . Ameeruddin, Superintendent.
RITI, Mannanur, 82 SRT
Yakutpura Colony Hyd

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ or direction more particularly one in the nature of writ of certiorari calling for the records connected with order Dt.30/09/2003 in OA.No.7224/2000 on the file of the Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad and to quash the same as erroneous and contrary to law and pass such other order.

Counsel for the Petitioner:GP FOR SERVICES I

Counsel for the Respondent : MR.M.RATNA REDDY FOR R1,2

Counsel for the Respondent No.3: None

The Court made the following:

ORDER **(**Per G.B.J)

This Writ Petition is filed challenging the orders passed by the A.P.Administrative Tribunal, Hyderabad, (for short Tribunal) in O.A.No.7224 of 2000, dated 30-09-2003.

2. The unofficial respondents challenged the proceedings in Circular Memo No.G3/6661/99,dated 9-5-2000/30-5-2000 and sought for a direction to re-cast the seniority to be in tune with the provisional seniority list, keeping in view the earlier seniority list and also the proceedings dated 26-11-1994 and 2-8-1996 extending notional seniority to the applicants. The learned Tribunal framed an issue for consideration as to whether the Government is entitled to alter the notional seniority granted earlier to the applicants by its proceedings and observed as follows:

> "The respondents 1 and 2 are therefore directed to finalise the same within three months from the date of receipt of this order and review all promotions made in the light of this seniority list and to consider the petitioners for promotion in their turn. It will be open to the petitioners to approach the Tribunal again if they are aggrieved by the ranking given to them the seniority list and the promotions made in that basis."

Against the said order, the present Writ Petition has been filed by the Government.

3. The learned Govt. Pleader for Services-I submits that when

once the notional seniority earlier granted was not in conformity with the rules, it is always open for the authorities to set aside the same by giving proper opportunity, and in the instant case after show cause notice was issued, the impugned proceedings were passed and therefore the Tribunal ought to have upheld the order passed by the Government.

4. It is also brought to the notice of this Court that all the three applicants have since been retired from service. The Tribunal did not go into the merits of the case, but held that disturbing the notional seniority granted earlier cannot be unsettled after a lapse of 16 years and moreover it is also on record that all the persons are now retired from service. Therefore as far as the respondents are concerned, the O.A. was allowed which will not have the effect on the other employees who are in service. Under these circumstances we do not find any ground to interfere with the said order.

5. Accordingly, the Writ Petition is dismissed. No costs.

G.BIKSHAPATHY

B.SESHASAYANA REDDY

Dated:12-07-2004

Hsd

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

2 C.D. copies